

JARED ANDREW NEISSER

Plaintiff

V.

WEXFORD HEALTH SERVICES INC. et al

Defendants

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SEP 11 2019
AT BALTIMORE
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND

IN THE UNITED STATES DISTRICT COURT

For

DEPUTY
THE DISTRICT COURT OF MARYLAND

Civil Case # 1:19-cv-00888-ELH

* * * * *

MOTION FOR REBUTTAL FOR DEFENDANTS

MOTION TO DISMISS

This motion is a rebuttal motion to defendants motion. The defendants motion should be dismissed on grounds stated below. This honorable court should consider the grounds stated as reason enough not to grant the defendants motion.

1). MEDICAL INVENTORY SHEET

This from is for when inmates go on medical or court trips. There medications are documented as how many of what medications the inmate is taking with them. Due to medical these forms are only held 3 - 6 months after a trip. Next, Becky Barnhart told me that all old paperwork was disposed of since recently having an audit.

2). CHAIN OF CUSTODY

This from shows that the transportation officer has signed for the medications and the inmates medical file. Also this form is only held 3 - 6 months and was disposed of during the last audit. So, like the medication inventory sheet copies of these forms documenting plaintiffs claim are disposed of during the last audit and are unable to get copies, but both of these forms can be verified that these are the forms used during any trip.

3). INMATE MEDICAL FILE

An inmates medical file shows what health issues the inmate has, the M.A.R. - card that documents medications times, and if medications were given. A copy of this M.A.R. card for dates in question clearly shows that AYOKO OKETUNJI MD. gave a false statement. How can someone be " non-compliant " if the medical staff signed the M.A.R. card acknowledging giving out the medication.

4). THE MERCK MEDICAL HANDBOOK

This medical handbook is the medical handbook that the Wexford staff uses for information in treating people. In said hanbook there are clean and clear differences in treatment for seizures and a drug overdose.

5). OPIATES

Opiates stay in a persons system for up to 48 - 72 hours after taken. It can be tested by retrieving a blood or urine sample.

6). URINE TEST

After the incident at JCI, Mr. Neisser (plaintiff), was transported back to M.C.T.C. Shortly after returning to M.C.T.C; Mr. Neisser was given a urine test. The results to this test were negative for any illegal substances. If Mr. Neisser was thought to have overdosed this test would have confirmed that accusation. If it was a questionable issue, why wasn't the results sent out to a lab for further teseing?

7). NARCAN

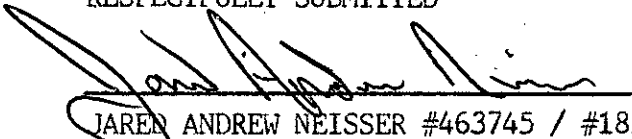
Narcan is designed to prevent people from dying from opiate overdose. Narcan is not a treatment for seizures. This can be Verified By The Merck Medical Handbook.

8). WEXFORD / DOC. FAILURE TO ADHERE TO M.P.I.A.

DOC. / Wexford have in place a six month waiting period between being able to review and make copies of an inmates medical file. Under the Maryland Public Information Act chapter 4 part (response to request) section C lines 1-3. Anyone making a written request for information under this act will be allowed to get the requested information. If a denial is issued it must shoe either a clear threat to the public or legal reasoning in writing. Since an inmate reviewing their medical file poses no threat to public safety or has no legal reasoning for a denial, then under this act request for information should be granted without further denial. Therefore, DOC. / Wexford's refusal to adhere to the rules and regulations that were set by state and federal administrations were violated without merit.

The plaintiff asks this honorable court to consider the grounds stated above when ruling on this matter and also grant this motion in light of the defendants blatant violations of state and federal regulations.

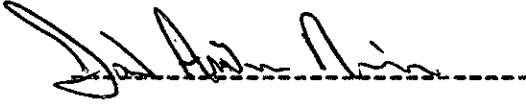
RESPECTFULLY SUBMITTED



JARED ANDREW NEISSER #463745 / #1819715
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on 9/6/19 a copy of the following
Motion to Dismiss was mailed first class to the office of the States Attorney for the
State of Maryland.



JARED ANDREW NEISSER
#463745 / #1819715